

REMARKS

In the final Office Action, the Examiner rejected claims 1, 4-7, 9-11, 14-17, 19, 20, 22, 26-28, 31-33, and 35-38 under 35 U.S.C. § 102(e) as anticipated by TUROK (U.S. Patent No. 6,243,373); and allowed claims 29, 30, and 34. Applicant respectfully traverses the rejection based on TUROK.

By way of the present amendment, Applicant proposes amending claims 1, 11, 22, 29, 34, and 38 to improve form. Claims 1, 4-7, 9-11, 14-17, 19, 20, 22, and 26-39 remain pending.

Applicant notes with appreciation the indication that claims 29, 30, and 34 are allowable over the art of record.

With respect to claim 39, the Examiner continued to state "claim 39 was indicated allowable by examiner in previous office action; however, these claims are unpatentable in view of new arts. Therefore, these indicated claims are withdrawn" (final Office Action, pg. 4). The Examiner did not, however, address the features of claim 39 under the 35 U.S.C. § 102 rejection based on TUROK. Applicant again respectfully requests that the Examiner clarify the status of claim 39.

Claim 39 recites features similar to features recited in allowed claim 34. Therefore, Applicant requests that the Examiner indicate that claim 39 is allowable for reasons similar to claim 34.

Claims 1, 4-7, 9-11, 14-17, 19, 20, 22, 26-28, 31-33, and 35-38 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by TUROK. Applicant respectfully traverses this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. Applicant respectfully submits that TUROK does not disclose or suggest the combination of features of Applicant's claims 1, 4-7, 9-11, 14-17, 19, 20, 22, 26-28, 31-33, and 35-38.

For example, independent claim 1 recites an originating circuit-switched network for providing originating signals in response to voice input; an originating gateway computer for converting the originating signals into digital data packets; a terminating gateway computer that accepts out of band signaling and converts the digital data packets into terminating signals; a terminating circuit-switched network for providing voice output in response to the terminating signals; and a packet-switched network for transmitting the digital data packets from the originating gateway computer to the terminating gateway computer. At least one of the originating gateway computer or the terminating gateway computer comprises a component for routing the digital data packets through the packet-switched network from the originating gateway computer to the terminating gateway computer. The terminating circuit-switched network is capable of providing first return signals to the terminating gateway computer in response to return voice input. The terminating gateway computer comprises a component for converting the first return signals into return packets of return digital data. At least one of the originating gateway computer or the terminating gateway computer comprises a component for routing the return packets through the packet-switched network from the terminating gateway computer to the originating gateway computer. The originating

gateway computer comprises a component for converting the return packets into second return signals. TUROK does not disclose or suggest this combination of features.

For example, TUROK does not disclose or suggest a terminating gateway computer that accepts out of band signaling and converts the digital data packets from the originating gateway computer into terminating signals. The Examiner relied on block 216 of Fig. 2, col. 2, lines 9-12, and col. 8, lines 57-60, of TUROK for allegedly disclosing the terminating gateway computer (final Office Action, page 2). Applicant submits that these sections of TUROK do not disclose, or even suggest, the recited terminating gateway computer.

Block 216 in TUROK's Fig. 2 depicts a specialized switch with voice digital signal processing (DSP). TUROK discloses that specialized switch with voice DSP 216, also referred to as ITS node 216, receives signaling messages over Internet 214 from ITS node 206 and outdials a call through central office 218, PSTN 220, and central office 222 to a called station 204 (col. 6, line 66 to col. 7, line 17). TUROK does not disclose or suggest that ITS node 216 accepts out of band signaling, as required by claim 1.

At col. 2, lines 9-14, TUROK discloses:

The transmission of digital signals over the T1 carrier may be accomplished using time division multiplexing (TDM) wherein a high bandwidth communications link, such as a 1.544 Mbit/S T1 carrier, is divided into a number of lower bandwidth communication channels, such as 64 Kbit/S channels.

This section of TUROK merely describes the transmission of digital signals over a T1 carrier. This section of TUROK in no way discloses or suggests a terminating gateway computer that accepts out of band signaling and converts the digital data packets from the

originating gateway computer into terminating signals, as required by Applicant's claim 1.

Moreover, as set forth above, the Examiner alleged that TUROK's ITS node 216 is equivalent to the terminating gateway computer recited in claim 1 (final Office Action, pg. 2). However, the above section of TUROK, which corresponds to TUROK's Background of the Invention section, does not mention ITS node 216. Therefore, even if this section of TUROK could reasonably be construed to disclose out of band signaling, this section of TUROK in no way discloses or suggests that TUROK's ITS node 216, which the Examiner alleges corresponds to the recited terminating gateway computer, accepts out of band signaling.

At col. 8, lines 57-60, TUROK discloses:

The ICM utilizes the digital signal processing (DSP) of the Voice Resources module to sample the incoming voice data stream and convert it to messages or packets which are then transmitted over the Internet.

This section of TUROK discloses the conversion of an incoming voice data stream to messages or packets for transmission over the Internet. This section of TUROK in no way discloses or suggests a terminating gateway computer that accepts out of band signaling and converts the digital data packets from the originating gateway computer into terminating signals, as required by claim 1.

Further with respect to this feature, the Examiner appears to provide a dictionary definition of "out of band signaling." The Examiner does not explain, however, how this alleged dictionary definition in any way remedies the deficiencies in the disclosure of TUROK set forth above. Regardless of the accuracy of the Examiner's definition of "out

of band signaling," Applicant submits that TUROK does not disclose or suggest a terminating gateway computer that accepts out of band signaling and converts the digital data packets from the originating gateway computer into terminating signals, as required by claim 1.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is not anticipated by TUROK.

Claims 4-7, 9, 10, 26-28, and 31 depend from claim 1. Therefore, Applicant submits that these claims are not anticipated by TUROK for at least the reasons given above with respect to claim 1.

Independent claims 11, 22, and 38 recite features similar to features described above with respect to claim 1. Therefore, Applicant submits that these claims are not anticipated by TUROK for reasons similar to reasons given above with respect to claim 1.

Claims 14-17, 19, and 20 depend from claim 11. Applicant submits that these claims are not anticipated by TUROK for at least the reasons given above with respect to claim 11.

Claims 32, 33, and 35-37 depend from claim 22. Applicant submits that these claims are not anticipated by TUROK for at least the reasons given above with respect to claim 22.

In view of the foregoing amendment and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims. Applicant respectfully requests that the present amendment be entered

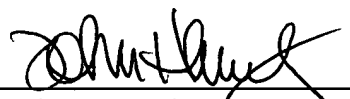
because the present amendment does not raise new issues or require a further search of the art, but merely grammatically improves the form of claims 1, 11, 22, 29, 34, and 38.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: _____


John E. Harrity
Registration No. 43,367

Date: August 9, 2004

11240 Waples Mill Road
Suite 300
Fairfax, Virginia 22030
(571) 432-0800